

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	8:01CR163
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
ROBERT E. WATKINS,)	
)	
Defendant.)	

Defendant has filed a Notice of Appeal (filing 225) from the court's order (filing 221) denying Defendant's motion (filing 220) for return of seized property. Although the basis for Defendant's appeal is extraordinarily weak, it appears that the court's denial of Defendant's motion for return of seized property is an appealable order. See Charles A. Wright, Nancy J. King & Susan R. Klein, 3A Federal Practice and Procedure § 678, at 411 (3d ed. 2004) (motion for return of property under Federal Rule of Criminal Procedure 41(g) is appealable if no criminal prosecution is pending and motion is solely for return of property). Hence, Defendant's appeal is arguably taken in good faith, and I shall grant Defendant leave to appeal in forma pauperis.

IT IS ORDERED that Defendant is entitled to proceed on appeal in forma pauperis.

January 25, 2006.

BY THE COURT:
s/ Richard G. Kopf
United States District Judge